

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Stefan Hild et al.

Serial No. : 09/743,857 Examiner : Jeffrey D. Popham

Filed : August 8, 2001 Art Unit : 2137

For : METHOD OF TRANSMITTING INFORMATION
DATA FROM A SENDER TO A RECEIVER VIA A
TRANSCODER, METHOD OF TRANSCODING
INFORMATION DATA, METHOD OF RECEIVING
TRANSCODED INFORMATION DATA, SENDER,
TRANSCODER AND RECEIVER



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

The owner, International Business Machines Corporation, of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,763,460 as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

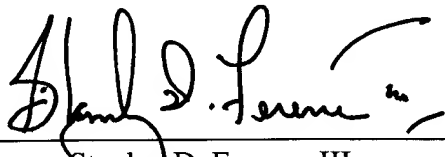
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the

expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CRF 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of International Business Machines Corporation in this matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: March 2, 2006



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One of the Attorneys of Record